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MONTANA LEGISLATIVE HISTORY

Chapter 639 19 93

Bill H 567 S _____ Original bill & history ✓ C

H. Committee on Natural Resources			S. Committee on Natural Resources		
Hearing Date(s)	Feb 15	✓ C	Hearing Date(s)	Mar 17	✓ C
	Feb 17	✓ C		Mar 29	✓ C
		C		Mar 30	✓ C
		C			C
Date Out	Feb 18	✓ C		Mar 30	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

3/24	SIGNED BY PRESIDENT		
3/29	TRANSMITTED TO GOVERNOR		
3/31	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 236		
	EFFECTIVE DATE: 03/31/93		

HB 567 INTRODUCED BY FOSTER

ESTABLISH ADDITIONAL REQUIREMENTS FOR AIR QUALITY PERMIT FOR COMMERCIAL MEDICAL AND HAZARDOUS WASTE INCINERATORS

2/10	INTRODUCED		
2/10	REFERRED TO NATURAL RESOURCES		
2/10	FIRST READING		
2/11	FISCAL NOTE REQUESTED		
2/15	HEARING		
2/16	FISCAL NOTE RECEIVED		
2/16	FISCAL NOTE PRINTED		
2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/20	2ND READING PASSED	91	5
2/23	3RD READING PASSED	94	5
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO NATURAL RESOURCES		
3/17	HEARING		
3/30	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/31	2ND READING CONCURRED AS AMENDED	46	3
4/01	3RD READING CONCURRED	44	4
	RETURNED TO HOUSE WITH AMENDMENTS		
4/07	2ND READING AMENDMENTS CONCURRED	88	9
4/13	3RD READING AMENDMENTS CONCURRED	86	10
4/19	SIGNED BY SPEAKER		
4/20	SIGNED BY PRESIDENT		
4/21	TRANSMITTED TO GOVERNOR		
4/21	RETURNED TO HOUSE WITH GOVERNOR'S AMENDMENTS		
4/22	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	64	34
4/22	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	68	29
	TRANSMITTED TO SENATE		
4/24	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	49	0
4/24	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	49	0
4/28	SIGNED BY SPEAKER		
4/28	SIGNED BY PRESIDENT		
4/29	TRANSMITTED TO GOVERNOR		
5/13	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 639		
	EFFECTIVE DATE: 05/13/93		

HB 568 INTRODUCED BY KNOX, ET AL.

DIVERT COAL TAXES TO FUND BUILDING MAINTENANCE

2/10	INTRODUCED		
2/10	REFERRED TO APPROPRIATIONS		
2/10	FIRST READING		
2/11	FISCAL NOTE REQUESTED		
2/18	FISCAL NOTE RECEIVED		
2/19	FISCAL NOTE PRINTED		

HOUSE BILL NO. 567

INTRODUCED BY FOSTER

IN THE HOUSE

FEBRUARY 10, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
FEBRUARY 19, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 22, 1993	ENGROSSING REPORT.
FEBRUARY 23, 1993	THIRD READING, PASSED. AYES, 94; NOES, 5.
FEBRUARY 24, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
MARCH 30, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 31, 1993	SECOND READING, CONCURRED IN AS AMENDED.
APRIL 1, 1993	THIRD READING, CONCURRED IN. AYES, 44; NOES, 4.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 7, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 13, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

	SENT TO ENROLLING.
APRIL 16, 1993	REPORTED CORRECTLY ENROLLED.
APRIL 17, 1993	SIGNED BY SPEAKER.
	IN THE SENATE
APRIL 20, 1993	SIGNED BY PRESIDENT.
	IN THE HOUSE
APRIL 20, 1993	DELIVERED TO GOVERNOR.
APRIL 21, 1993	RETURNED FROM GOVERNOR WITH RECOMMENDED AMENDMENTS.
APRIL 22, 1993	SECOND READING, GOVERNOR'S RECOMMENDED AMENDMENTS CONCURRED IN.
	THIRD READING, GOVERNOR'S RECOMMENDED AMENDMENTS CONCURRED IN.
	IN THE SENATE
APRIL 24, 1993	GOVERNOR'S RECOMMENDED AMENDMENTS CONCURRED IN.
	IN THE HOUSE
APRIL 24, 1993	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

House BILL NO. 567

INTRODUCED BY Foster

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING ADDITIONAL REQUIREMENTS FOR AN AIR QUALITY PERMIT FOR COMMERCIAL MEDICAL WASTE INCINERATORS; REQUIRING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO ADOPT RULES; COORDINATING THE PERMITTING PROCESS FOR AIR QUALITY AND SOLID WASTE PERMITS; REQUIRING A DISCLOSURE STATEMENT; ESTABLISHING CRITERIA FOR THE DENIAL OR MODIFICATION OF A PERMIT; AMENDING SECTIONS 75-2-103, 75-2-211, AND 75-2-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 4] directs the department of health and environmental sciences to adopt rules establishing additional permit requirements for commercial medical waste incinerators. The rules adopted must ensure that the public is protected from potential exposure to chlorinated dioxins and furans as a result of the incineration of medical waste.

It is the intent of the legislature that the department coordinate the application review process and issuance of permits between the air quality bureau and the solid and hazardous waste bureau for incinerators that must receive both an air quality permit and a solid waste management license. In coordinating the permitting process of these two bureaus, the department shall also coordinate the environmental review process conducted pursuant to Title 75, chapter 1, part 1. At the discretion of the department, this coordination may be accomplished by preparing a joint environmental review document.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-2-103, MCA, is amended to read:

"**75-2-103. Definitions.** Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Advisory council" means the air pollution control advisory council provided for in 2-15-2106.

(2) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.

(3) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in a quantity and for a duration which are or tend to be injurious to human health or welfare, animal or plant life, or property or would unreasonably interfere with the enjoyment of life, property, or the conduct of business.

(4) "Board" means the board of health and environmental

sciences provided for in 2-15-2104.

(5) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

(6) "Emission" means a release into the outdoor atmosphere of air contaminants.

(7) "Environmental protection law" means a law contained in or an administrative rule adopted pursuant to Title 75, chapter 2, 5, 10, or 11.

(8) (a) "Incinerator" means any single- or multiple-chambered combustion device that burns combustible material, alone or with a supplemental fuel or with catalytic combustion assistance, primarily for the purpose of removal, destruction, or volume reduction of all or any portion of the input material.

(b) Incinerator does not include:

(i) safety flares used to combust or dispose of hazardous or toxic gases at industrial facilities, such as refineries, gas sweetening plants, oil and gas wells, sulfur recovery plants, or elemental phosphorus plants;

(ii) space heaters that burn used oil;

(iii) wood-fired boilers; or

(iv) wood waste burners, such as tepee, wigwam, truncated cone, or silo burners.

(9) (a) "Lowest achievable emission rate" means, except

as provided in subsection (9)(b), a rate of emissions that reflects the more stringent of:

(i) the most stringent emission limitation that is contained in the state implementation plan for a source class or category, unless the owner or operator of the proposed source demonstrates that those limitations are not achievable; or

(ii) the most stringent emission limitation that is achieved in practice by a source class or category.

(b) The application of lowest achievable emission rate does not allow a new or modified source to emit any pollutant in excess of the amount allowed under applicable new source standards of performance or under national emission standards for hazardous air pollutants, as provided by rule.

(10) "Medical waste" means any waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in medical research on humans or animals, or in the production or testing of biologicals. The term includes:

(a) cultures and stocks of infectious agents;

(b) human pathological wastes;

(c) waste human blood or products of human blood;

(d) sharps;

(e) contaminated animal carcasses, body parts, and bedding that were known to have been exposed to infectious

agents during research;

(f) laboratory wastes and wastes from autopsy or surgery that were in contact with infectious agents; and

(g) biological waste and discarded material contaminated with blood, excretion, exudates, or secretions from humans or animals.

~~(7)~~(11) "Person" means an individual, partnership, firm, association, municipality, public or private corporation, subdivision or agency of the state, trust, estate, or any other legal entity and includes persons resident in Canada.

(12) "Principal" means a principal of a corporation, including but not limited to a partner, associate, officer, parent corporation, or subsidiary corporation."

Section 2. Section 75-2-211, MCA, is amended to read:

"**75-2-211. Permits for construction, installation, alteration, or use.** (1) The department shall provide for the issuance, suspension, revocation, and renewal of a permit issued under this part.

(2) For all sources of air contaminants that are subject to the provisions of Title V of the federal Clean Air Act, 42 U.S.C. 7401, et seq., as amended, the provisions of this section apply in addition to the other applicable provisions of this chapter.

(a) The board shall by rule require that permits issued to sources described in subsection (2) be of limited

duration, but it may not limit the duration of the permits beyond that required by the federal Clean Air Act, 42 U.S.C. 7401, et seq., as amended.

(b) The board shall by rule provide for the renewal of permits issued to the sources.

(c) The board shall by rule establish a transition schedule for air quality permits held by sources of air contaminants subject to the provisions of subsection (2). The transition schedule must specify dates for the expiration of the permits, absent an application for renewal by the source. The transition schedule may not specify expiration dates that are earlier in time than those required by Title V of the federal Clean Air Act, 42 U.S.C. 7401, et seq., as amended. The transition schedule established by the board also applies to existing sources of air contaminants that are subject to the provisions of Title V of the federal Clean Air Act, 42 U.S.C. 7401, et seq., as amended, and that do not hold an air quality permit from the department as of November 2, 1992.

(3) Not later than 180 days before construction, installation, or alteration begins or as a condition of use of any machine, equipment, device, or facility ~~which~~ that the board finds may directly or indirectly cause or contribute to air pollution or ~~which~~ that is intended primarily to prevent or control the emission of air

pollutants, the owner or operator shall file with the department the appropriate permit application on forms available from the department.

(4) Concurrent with the submittal of a permit application required by subsection (3) and annually for the duration of the permit, the applicant shall submit to the department a fee sufficient to cover the reasonable costs, both direct and indirect, of developing and administering the permitting requirements in this chapter, including the reasonable costs of:

(a) reviewing and acting upon the application;

(b) implementing and enforcing the terms and conditions of the permit if the permit is issued. However, this amount does not include any court costs or other costs associated with any enforcement action. If the permit is not issued, the department shall return this portion of the fee to the applicant.

(c) emissions and ambient monitoring;

(d) preparing generally applicable regulations or guidance;

(e) modeling, analysis, and demonstrations; and

(f) preparing inventories and tracking emissions.

(5) In addition to the fee required under subsection (4), the board may order the assessment of additional fees required to fund specific activities of the department that

are directed at a particular geographic area if the legislature authorizes the activities and appropriates the funds for the activities, including emissions or ambient monitoring, modeling analysis or demonstrations, or emissions inventories or tracking. Additional assessments may be levied only on those sources that are within or are believed by the department to be impacting the geographic area. Before the board may require the assessments, it shall first determine, after opportunity for hearing, that the activities to be funded are necessary for the administration or implementation of this chapter, that the assessments apportion the required funding in an equitable manner, and that the department has obtained legislative authorization for the expenditure and the necessary appropriation.

(6) As a condition of the continuing validity of permits issued by the department under this part prior to October 1, 1991, the department may require the permitholder to pay an annual fee sufficient to cover the costs identified in subsection (4).

(7) For any existing source of air contaminants that is subject to Title V of the federal Clean Air Act, 42 U.S.C. 7401, et seq., as amended, and that is not required to hold an air quality permit from the department as of October 1, 1991, the board may, as a condition of continued operation, require by rule that the owner or operator of the source pay

the annual fee provided for in subsection (4). ~~Nothing in this~~ This subsection may not be construed as allowing the department to charge any source of air contaminants more than one annual fee that is designed to cover the costs identified in subsection (4).

(8) The fees collected by the department pursuant to this section must be deposited in the state special revenue fund to be appropriated by the legislature to the department for the development and administration of the permitting requirements in this chapter.

(9) (a) The department shall give written notice of the amount of the fee to be assessed and the basis for the department's fee assessment under this section to the owner or operator of the air contaminant source. The owner or operator may appeal the department's fee assessment to the board within 20 days after receipt of the written notice.

(b) An appeal must be based upon the allegation that the fee assessment is erroneous or excessive. An appeal may not be based only on the amount of the fee schedule adopted by the board.

(c) If any part of the fee assessment is not appealed, it must be paid to the department upon receipt of the notice in subsection (9)(a).

(d) The contested case provisions of the Montana Administrative Procedure Act provided for in Title 2,

chapter 4, apply to any hearing before the board under this subsection (9).

(10) ~~Nothing in this~~ This section ~~shall~~ does not restrict the board's authority to adopt regulations providing for a single air quality permit system.

(11) The department may, for good cause shown, waive or shorten the time required for filing the appropriate applications.

(12) The department shall require that applications for permits be accompanied by any plans, specifications, and other information it considers necessary.

(13) An application is not considered filed until the applicant has submitted all fees and information and completed all application forms required by subsections (3) through (7) and (12). However, if the department fails to notify the applicant in writing within 30 days after the purported filing of an application that the application is incomplete and fails to list the reasons why the application is considered incomplete, the application is considered filed as of the date of the purported filing.

(14) (a) ~~Where~~ When an application for a permit requires the compilation of an environmental impact statement under the Montana Environmental Policy Act, the department shall notify the applicant in writing of the approval or denial of the application within:

(i) 180 days of the receipt of a filed application, as defined in subsection (13), if the department prepares the environmental impact statement; or

(ii) within 30 days after issuance of the final environmental impact statement by the lead agency if a state agency other than the department has been designated by the governor as lead agency for preparation of the environmental impact statement.

(b) However, ~~where~~ when an application does not require the ~~compilation~~ preparation of an environmental impact statement or if an application is not subject to the provisions of 75-2-215, the department shall notify the applicant in writing within 60 days of the receipt of a filed application, as ~~defined~~ provided in subsection (13), of the approval or denial of the application. Notification of approval or denial may be served personally or by ~~registered--or~~ certified mail on the applicant or ~~his~~ the applicant's agent.

(15) When the department approves or denies the application for a permit under this section, a person who is jointly or severally adversely affected by the department's decision may request, within 15 days after the department renders its decision, upon affidavit setting forth the grounds ~~therefor~~, a hearing before the board. A hearing ~~shall~~ must be held under the provisions of the Montana

Administrative Procedure Act.

(16) The department's decision on the application is not final unless 15 days have elapsed and there is no request for a hearing under this section. The filing of a request for a hearing postpones the effective date of the department's decision until the conclusion of the hearing and issuance of a final decision by the board."

Section 3. Section 75-2-215, MCA, is amended to read:

"**75-2-215. Solid or hazardous waste incineration -- additional permit requirements.** (1) A person may not construct, modify, or operate a solid or hazardous waste incinerator of any of the following categories until the department has issued an air quality permit pursuant to this chapter, including the conditions provided in this section:

(a) a new solid or hazardous waste incinerator that is designed to burn more than 200 pounds an hour of solid or hazardous waste; or

(b) an existing or permitted solid or hazardous waste incinerator that is designed to burn more than 200 pounds an hour of solid or hazardous waste and that incinerates or would incinerate solid or hazardous waste in an amount, form, kind, or content different from its designed or permitted operation or that incinerates or would incinerate any solid or hazardous waste that changes the nature, character, or composition of its emissions.

achieve the lowest achievable emission rate;

(c) implement the requirements of subsection (2), including establishing procedures and standards for the collection of high quality scientific information and for the submission of the information by the applicant; and

(d) establish procedures for the monitoring, testing, and inspection of:

(i) the medical waste stream, including possible precursors to the formation of chlorinated dioxins and furans;

(ii) combustion, including destruction and removal efficiencies; and

(iii) emissions, including continuous emission monitoring and air pollution control devices.

(2) A person who applies for an air quality permit pursuant to 75-2-211 for a commercial medical waste incinerator shall provide, to the satisfaction of the department, the following information:

(a) a dispersion model of emissions, using approved methods, that relates to potential worker and community exposure;

(b) an analysis of the potential pathways for human exposure to air contaminants, particularly chlorinated dioxins and furans, including the potential for inhalation, ingestion, and physical contact by workers and the affected

communities; and

(c) a quantitative analysis of the estimated total possible human exposure to chlorinated dioxins and furans for both workers and the affected communities.

(3) The department may not issue an air quality permit pursuant to this chapter until the department has determined, based upon an analysis of the information provided by the applicant pursuant to subsection (2), that the public health risk from chlorinated dioxins and furans will not exceed appropriate standards for allowable daily intake, as determined by the department after an evaluation of relevant federal standards and guidelines.

NEW SECTION. **Section 5. Disclosure statement required.** (1) An air quality permit for a commercial medical waste incinerator may not be issued, renewed, transferred, or modified pursuant to 75-2-211 without an application under this section. Before an application for the issuance, renewal, transfer, or modification of a permit under 75-2-211 for a commercial medical waste incinerator may be approved, the applicant and each principal with respect to the applicant shall submit to the department a disclosure statement containing the following information:

(a) the name, business address, and social security number of the applicant and each principal;

(b) a description of any civil and administrative

complaint filed within 5 years before the date of the application against the applicant or a principal for the violation of an environmental protection law and whether the complaint resulted in a civil or administrative penalty; and

(c) a description of all judgments of criminal conviction entered against the applicant or a principal for the violation of an environmental protection law within 5 years before the date of the application.

(2) A disclosure statement, as required in subsection (1), must be executed under oath or affirmation and is subject to the penalty for perjury. The department may verify and investigate the information contained in a statement required under this section.

(3) A person required to file a disclosure statement under this section shall provide assistance or information requested by the department that is related to the statement and shall cooperate in an inquiry or investigation conducted by the department under subsection (2).

NEW SECTION. **Section 6. Denial or modification of permit -- mitigating factors.** (1) The department may deny an application for the issuance, renewal, transfer, or modification of a permit under 75-2-211 for a commercial medical waste incinerator or impose additional conditions on a permit pursuant to subsection (2) if within 5 years before the date of the application:

(a) a judgment of criminal conviction of an environmental protection law has been entered against the applicant or a principal;

(b) a civil or administrative complaint for a violation of an environmental protection law has resulted in the assessment of a penalty against the applicant or a principal; or

(c) the applicant or a principal has a history of repeated violations of environmental protection laws.

(2) As provided under subsection (1), the department may impose additional conditions on a permit related to permit length, inspections, monitoring, recordkeeping, and reporting.

(3) In making the decision to deny an application or to impose conditions on a permit pursuant to subsection (1), the department shall consider the following mitigating factors:

(a) the nature and gravity of the violation of environmental protection laws;

(b) the degree of culpability of the applicant or a principal;

(c) the applicant's or principal's cooperation with the state or federal agencies involved in the complaints and convictions referred to in [section 5];

(d) the applicant's or principal's dissociation from

other persons or entities convicted of acts referred to in [section 5]; and

(e) a demonstration of good citizenship by the applicant or a principal.

NEW SECTION. **Section 7.** Codification instruction. [Sections 4 through 6] are intended to be codified as an integral part of Title 75, chapter 2, part 2, and the provisions of Title 75, chapter 2, part 2, apply to [sections 4 through 6].

NEW SECTION. **Section 8.** Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. **Section 9.** Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to all commercial medical waste incinerators that have applied for but have not received by [the effective date of this act] a permit under Title 75, chapter 2, and a license under 75-10-221.

NEW SECTION. **Section 10.** Effective date. [This act] is effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0567, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:
An act establishing additional requirements for an air quality permit for commercial medical waste incinerators; requiring the Department of Health and Environmental Sciences to adopt rules; coordinating the permitting process for air quality and solid waste permits; requiring a disclosure statement; establishing criteria for the denial or modification of a permit.

ASSUMPTIONS:
1. Development of the rules required under this act will require substantial research in areas that are not currently regulated by the Air Quality Bureau and areas where the AQB has only limited expertise such as waste segregation, the minimization of chlorinated plastics in the waste stream, and how to factor a source's compliance history into the permitting process.
2. There will be increased burden on the permit reviewer in determining adequate permit conditions to ensure compliance with the additional requirements of the new rules. There will be increased review and analysis of ambient impact, potential health risk and the need for increased monitoring, testing and reporting.
3. There will be increased burden on the enforcement section in determining compliance with the additional permit condition requirements of the new rules. There will be increased inspections, review of ambient monitoring and source test report requirements.
4. There will be increased costs associated with the mandatory public meetings, staff overtime, transportation, meals, and lodging.
5. These regulations will require the addition of 1.0 FTE (0.5 FTE rulemaking and permitting, and 0.5 FTE enforcement). The high level of expertise required to write and enforce the rules and permits, and conduct inspections and public hearings requires a Grade 15 Environmental Specialist or Engineer.

FISCAL IMPACT:

	FY '94			FY '95		
Expenditures:	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	0	1.0	1.0	0	1.0	1.0
Personal Services	0	39,754	39,754	0	39,754	39,754
Operating Expenses	0	20,266	20,266	0	17,416	17,416
Capital Outlay	0	1,600	1,600	0	0	0
Total	0	61,620	61,620	0	57,170	57,170
Revenues:						
State Special Revenue (Fees)		61,620	61,620		57,170	57,170

(Continued)

Dave Lewis 2-16-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Mike Foster 2/16/93
MIKE FOSTER, PRIMARY SPONSOR DATE

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: Counties that currently permit incinerators would need to adopt these requirements to maintain primacy in the permitting of medical waste incinerators. This would increase their cost proportionally.

TECHNICAL NOTES: Would the state special revenue (fees) be collected through a charge against emissions of air pollutants from all regulated sources, or just sources defined in HB0567?

Opponents' Testimony:

Steve Mandeville, Montana Association of Realtors, said land near a well will be rendered useless if this legislation is adopted. He stated that, according to this bill, eighteen acres are necessary to determine a lagoon is safe.

Questions From Committee Members and Responses:

REP. STOVALL asked **REP. ORR** to address the handout regarding geometric progression. **EXHIBIT 5** **REP. ORR** replied that sewage begins at an open pit made of either clay or concrete. Existing lagoons are grandfathered into HB 448.

Closing by Sponsor:

REP. ORR told the committee he closed.

HEARING ON HB 567

Opening Statement by Sponsor:

REP. Mike FOSTER, HD 32, Townsend, stated that HB 567 deals with a proposal to build a medical waste incinerator in Ringling. In order to keep dioxins and furans from developing in these incinerators, there must be intense heat, little oxygen and a long burn period. HB 567 will require that residents nearby an incinerator be shown emission dispersal data. **REP. FOSTER** also proposed amendments to the bill. **EXHIBIT 6**

Proponents' Testimony:

John Hamill, White Sulphur Springs, asked the committee what will be done with medical waste.

Elizabeth Brewer, speaking for her family, said she will support HB 567.

Rebecca Johnston, White Sulphur Springs rancher, offered support for the bill.

Richard Parks, Northern Plains Resource Council, testified that HB 567 is an important piece of legislation to keep medical waste burning under control.

Opponents' Testimony:

Don Sterhan, lobbyist, Western Recovery System, noted that HB 567 encompasses sensitive issues that present roadblocks to medical waste proposed sites in Montana. These emissions are allowed in hospital incinerators but exempted in HB 567. Montana is not in the business of waste disposal, he emphasized. An Environmental

Impact Statement (EIS) is necessary as the bill is ill-conceived and creates as many problems as it solves.

William Laurence, SURE-WAY Systems, said medical waste is rendered non-infectious before it enters a landfill. The bill fails to discuss incinerator size, he pointed out. SURE-WAY presently services over 200 accounts, including hospitals, who have voluntarily shut down due to air pollution. **EXHIBIT 7**

Questions From Committee Members and Responses:

REP. RANEY asked **Mr. Vidrine** if it was accurate, as Mr. Laurence stated, that waste cannot be made noninfectious. **Mr. Vidrine, DHES,** replied that current law does not limit new technology for medical waste incineration and allows for steam sterilization of this waste.

REP. RANEY asked if it was true that after these wastes are autoclaved, steamed or microwaved and rendered noninfectious, they can go to a landfill. **Mr. Vidrine** replied, yes.

REP. RANEY said that medical infectious waste generated in Montana can end up in a landfill without being incinerated. **Mr. Vidrine** answered, yes, it can.

REP. SWANSON asked **Mr. Vidrine** to describe how existing medical waste in hospitals is currently being managed. She also asked if we are close to law proposed in HB 567. **Mr. Vidrine** said many Montana hospitals have their own incinerators or autoclaves to treat waste. Montana does not currently have a large commercial unit that can handle its infectious medical waste.

REP. SWANSON asked if Montana facilities burning medical waste are well regulated. **Jeff Chaffee, Air Quality Bureau,** said that from an air quality perspective, most Montana hospitals are well regulated. There is one incinerator in the state currently which has an air permit.

REP. FELAND asked **Mr. Chaffee** if there is an incinerator in Montana that will meet the requirements of HB 567. **Mr. Chaffee** replied this was a difficult question to answer. To be truly effective, the best technology to control air emissions has to be applied to Montana's medical waste incineration.

REP. FELAND asked if there is an incinerator in Montana that could be dangerous. **Mr. Chaffee** replied that according to standards incorporated into the bill, there isn't an incinerator in Montana that could be dangerous.

REP. TUNBY asked if waste materials generated by hospitals will have fuel benefits. **Mr. Chaffee** answered, yes, medical waste incineration is a new revenue source.

REP. RANEY asked **Jon Dilliard, DHES,** if there is an autoclave in

Montana that is off-site. **Mr. Dilliard** replied that currently there are no commercial autoclaves in Montana other than those previously noted.

REP. RANEY asked if BFI has current plans for commercial autoclaving. **Mr. Dilliard** responded that BFI does not have plans to install an infectious medical waste treatment system in Montana. They do, however, plan to pick up and ship waste out of state.

CHAIRMAN KNOX asked **Mr. Sterhan** what fuel source is currently in use. **Mr. Sterhan** replied that natural gas is presently used.

Closing by Sponsor:

REP. FOSTER said HB 567 addresses the how-to's associated with medical waste incineration plants and the related costs. Incineration is the best way to dispose of medical waste, he noted, and it is important for the legislature to look at public health factors associated with this disposal.

HEARING ON HB 407

Opening Statement by Sponsor:

REP. ED DOLEZAL, HD 34, Great Falls, said HB 407 is the final attempt this session to eliminate the $5 recreational license fee. This bill expands the definition regarding who is given access to state lands.

Proponents' Testimony:

Jim McDermand, Medicine River Canoe Club, Great Falls, spoke in support of HB 407. **EXHIBIT 8**

Tony Schoonen, on behalf of the State Lands Coalition for Appropriate Management of State School Lands, testified in support of the bill, **EXHIBIT 9,** and distributed a fact sheet explaining how taxpayers are indirectly compensating the school trust. **EXHIBITS 10 and 11.**

Bill Holdorf, Skyline Sportsmen's Association, said the Association favors elimination of the $5 fee.

Dave Ross, Audubon Legislative Fund, said Audubon strongly supports this legislation.

Bill Fairhurst, Public Lands Access Association, supports HB 407.

REP. DOUG WAGNER, HD 8, Hungry Horse, said he is a proponent of the bill.

Alan Rollo, Great Falls, submitted written testimony. **EXHIBIT 12**

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
NATURAL RESOURCES COMMITTEE

ROLL CALL

DATE 2/15/93

NAME	PRESENT	ABSENT	EXCUSED
REP. DICK KNOX, CHAIRMAN	✓		
REP. ROLPH TUNBY, VICE CHAIRMAN	✓		
REP. JODY BIRD	✓		
REP. VIVIAN BROOKE	✓		
REP. RUSS FAGG	✓		
REP. GARY FELAND	✓		
REP. MIKE FOSTER	✓		
REP. BOB GILBERT	✓		
REP. HAL HARPER	✓		
REP. SCOTT ORR	✓		
REP. BOB RANEY	✓		
REP. DORE SCHWINDEN	✓		
REP. JAY STOVALL	✓		
REP. EMILY SWANSON	✓		
REP. HOWARD TOOLE	✓		
REP. DOUG WAGNER	✓		

HR:1993
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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. HB 567

DATE 2-15-93 SPONSOR(S) Foster

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Richard C. Parks	NPRC	✓	
Elizabeth Brewer	Family	✓	
REBECCA Johnston	Family	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

EXECUTIVE ACTION ON HB 567

Motion: **REP. FOSTER** moved to amend HB 567 as outlined in **EXHIBIT 3.**

Discussion: The committee discussed the amendments and the ramifications of specific wording. Amendments from SURE WAY were also offered for consideration. **EXHIBIT 4**

Vote: **TO AMEND HB 567 AS PROPOSED BY REP. FOSTER.** Motion failed on a voice vote.

Motion/Vote: **REP. HARPER** moved to adopt a conceptual amendment to modify the statement of intent to cover double jeopardy fees. The amendment would be tied to the retroactive language in Section 9, noting when modifications would be applicable. Motion carried.

Motion/Vote: **REP. WAGNER MOVED HB 567 DO PASS AS AMENDED. REP. KNOX** disqualified himself from the vote. Motion carried, with **REP. ORR** voting against the bill.

EXECUTIVE ACTION ON HB 512

Motion: **REP. GILBERT MOVED HB 512 DO PASS.**

Motion: **REP. GILBERT** moved to adopt the amendments contained in **EXHIBIT 5.**

Discussion: **Michael Kakuk, legal counsel,** explained amendments to the committee.

Vote: **MOTION TO ADOPT EXHIBIT 5 AMENDMENTS.** Motion carried unanimously.

Motion/Vote: **MOTION WAS MADE THAT HB 512 DO PASS AS AMENDED.** Motion carried unanimously.

EXECUTIVE ACTION ON HB 407

Motion: **REP. WAGNER MOVED HB 407 DO PASS.**

Motion: **REP. WAGNER** moved to adopt amendments to the bill.

Discussion: **Mr. Kakuk** explained that the amendments strike everything in the bill after Section 1, i.e. Sections 2-7. The committee deliberated on amending the legislation.

Vote: **TO ADOPT THE AMENDMENTS TO HB 407.** Motion carried.

Motion/Vote: **REP. WAGNER MOVED HB 407 DO PASS AS AMENDED.** Motion failed on a 6 - 10 vote.

HOUSE STANDING COMMITTEE REPORT

February 18, 1993

Mr. Speaker: We, the committee on Natural Resources report that House Bill 567 (first reading copy -- white) do pass as amended .

Signed: _____
Dick Knox, Chair

And, that such amendments read:

1. Page 1, line 17.
Strike: "department"
Insert: "board"

2. Page 2.
Following: line 8
Insert: "Finally, the legislature understands that the retroactive applicability of this bill will subject permit applicants, who have begun but not completed the permitting process, to the provisions of this bill. While the legislature understands that compliance with the provisions of this bill will require additional time and resources from the applicant, it is not the intent of the legislature that this legislation unnecessarily delay the permitting process or unnecessarily increase the permitting costs."

3. Page 13.
Following: line 12
Insert: "(b) if a license is required pursuant to 75-10-221, the applicant has published, in the county where the project is proposed, at least three notices, in accordance with the procedures identified in 7-1-4127(2) and 7-1-4128, describing the proposed project;"
Renumber: subsequent subsections

4. Page 14, line 20.
Strike: "department"
Insert: "board"

Committee Vote:

5. Page 15, line 24.
Following: "dioxins"
Strike: "and"
Insert: ","
Following: "furans,"
Insert: "and heavy metals,"

6. Page 16, line 9.
Following: "dioxins"
Strike: "and"
Insert: ","
Following: "furans"
Insert: ", and heavy metals"

7. Page 18, line 24.
Following: "[section 5];"
Insert: "and"

8. Page 19, lines 2 through 4.
Strike: ";" on line 2 through "principal" on line 4

-END-

EXHIBIT 3
DATE 2-17-93
HB 567

Amendments to House Bill No. 567
First Reading Copy

Requested by Rep. Foster
For the Committee on Natural Resources

Prepared by Michael S. Kakuk
February 15, 1993

1. Page 1, line 17.
Strike: "department"
Insert: "board"

2. Page 14, line 20.
Strike: "department"
Insert: "board"

3. Page 15, line 24.
Following: "dioxins"
Strike: "and"
Insert: ","
Following: "furans,"
Insert: "and heavy metals,"

4. Page 16, line 9.
Following: "dioxins"
Strike: "and"
Insert: ","
Following: "furans"
Insert: ", and heavy metals"

5. Page 18, line 24.
Following: "[section 5];"
Insert: "and"

6. Page 19, lines 2 through 4.
Strike: ";" on line 2 through "principal" on line 4

EXHIBIT 3
DATE 2-17-93
HB 567

Amendments to House Bill No. 567
First Reading Copy

Requested by Rep. Foster
For the Committee on Natural Resources

Prepared by Paul Sihler
February 17, 1993

1. Page 13.
Following: line 12
Insert: "(b) the applicant has published at least three notices describing the proposed project in a paper of general circulation in the county where the project is proposed, if a license is required pursuant to 75-10-221;"
Renumber: subsequent subsections

DATE 2-17-93
HB 567
EXHIBIT 4

Amendments to House Bill No. 567

For the Committee on Natural Resources

Prepared by Bill Lawrence, Sure-Way Systems Montana, Inc.
February 17,1993

1. Title, line 5
Insert: "A LARGE-SCALE" between FOR and COMMERCIAL

2. Page 3.
Following: line1
Insert: "(5) "Commercial Medical Waste Incinerator" means any incinerator as discribed in Section 1 number 8, that processes medical waste not generated by that facility."
Renumber: subsequent subsections

3. Page 3.
Following: line 24
Insert: "Large-scale " means a unit processing more than five tons of medical waste per day.

4. Page 15. line 17
Strike: " shall"
Insert: " may be required to"

future. He said there could be a potential legal bind if an out-of-state landfill set up operations in Montana and began accepting out-of-state waste.

Senator Grosfield asked Mr. Flisrand if the City of Billings was "taking recycling programs seriously". Mr. Flisrand assured the Committee that the City of Billings was, indeed, taking recycling programs "very seriously".

Closing by Sponsor:

Representative Vogel stated the City of Billings is actively searching for programs to reduce waste reduction in their area. He said that short of producing no garbage, there is no perfect system for waste disposal. He noted a number of communities in the outlying areas have instituted recycling/reduction programs. Representative Vogel reaffirmed that HB 454 will not be used as a vehicle to encourage the dumping of out-of-state solid waste. He concluded the Billings landfill is a well-monitored site and urged the Committee to support HB 454.

HEARING ON HB 567

Opening Statement by Sponsor:

Representative Mike Foster, House District 32, stated that one year ago, residents of Meagher and Broadwater counties became aware of plans to build a medical waste incinerator in the community of Ringling. He said the contentiousness of this issue resulted in the drafting of HB 567. Representative Foster noted that no state has adopted rules relating to medical waste incinerators, so there is no precedence to follow. He said HB 567 pertains to commercial medical waste incinerators only. He stated that at the present time, no commercial medical waste incinerators exist in Montana.

Representative Foster noted HB 567 would address three major areas. First, Sections 1-3 would coordinate the permitting between owners of solid waste facilities and representatives from the Air Quality Bureau. He said HB 567 would prohibit the issuance of an air quality permit until the solid waste permit is granted. He noted HB 567 would also require public hearings on the issue publicized at least three different times in the local newspaper. Representative Foster noted that area residents were frustrated about their entire situation because they were not given the opportunity to voice their opinion. Second, HB 567 would address concerns regarding carcinogenic emissions from the incinerator, specifically, chlorinated dioxins and heavy metals. He said HB 567 would require the incinerator to meet "the lowest achievable emission rate". Representative Foster said HB 567 would also require DHES to establish procedures for monitoring,

testing and inspecting the medical waste stream, combustion and emissions. He said one of the most important measures in HB 567 was the requirement that the applicant provide DHES with a dispersion model of emissions showing potential worker and community exposure. He said HB 567 would prohibit DHES from issuing an air quality permit for an incinerator until that analysis is completed. Representative Foster assured the Committee that in order to obtain such a permit, the applicant would have to prove that the public health risk to these carcinogenic substances does not exceed allowable levels of daily intake. Third, HB 567 would require the applicant to submit to DHES a disclosure statement including any civil and administrative complaints over the last five years for violation of environmental laws. He added HB 567 would also authorize DHES to deny the permit or impose additional restrictions on the applicant.

Representative Foster stated HB 567 would make it implicit that Montana expects incinerator applicants to "be responsible citizens respectful of environmental laws". He stated HB 567 would apply retroactively to all commercial medical waste incinerator applicants who have not yet received their solid waste or air quality permits. He stated HB 567 offered a balanced approach to a very serious problem and urged the Committee to support the bill.

Proponents' Testimony:

Ms. Elizabeth Brewer, Ringling resident, stated residents in her community had no idea that an air quality permit had been issued for a commercial medical waste incinerator until after the fact. She said information regarding the request for this permit was printed once in their local newspaper, however, she added the information was technical and difficult to understand.
Ms. Brewer said that as an adjacent landowner to the proposed facility, she has become aware of the enormous health risks associated with its operation. She said the residents of Ringling do not want their family, friends or themselves to be unnecessarily exposed to these contaminants. She noted HB 567 would require an analysis of pathways of potential human exposure to these carcinogens. Ms. Brewer stated this analysis would give residents in her community some assurances that they are not being exposed to such risks. She said at present, DHES does not consider an applicant's previous environmental record when issuing any permit. She noted the company proposing the incinerator at Ringling would burn 50,000 pounds of medical waste every day, a number which far exceeds the amount of medical waste produced in Montana. Ms. Brewer stated that in the absence of laws regarding medical waste incineration, she feared Montana would become a "dumping ground for medical waste from other states". She cited a March 1993 *Great Falls Tribune* article which stated "the EPA completed a study which shows incineration to be 1,000 times more dangerous than previously thought.

Incineration causes direct and indirect hazards to humans and animals. Cattle grazing in these areas would not be fit for human consumption because of heavy metals on the grass and dioxins in the air". Ms. Brewer told the Committee that her cattle graze on land directly adjacent to the land on which the incinerator may be built. She urged the Committee to support HB 567.

Mr. John Hanowold, White Sulphur Springs resident, stated his support for HB 567. He added that alternative technology exists which disposes of medical waste without burning it.

Ms. Connie Bellet, Ringling resident, submitted written testimony in support of HB 567 (Exhibit #7). She noted that the proposed incinerator site is located one-half mile from the local school.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Kennedy asked if emissions from incinerators were regulated. Mr. Charles Homer, DHES Air Quality Bureau, replied regulations are in existence with respect to medical waste incinerators, however, he added HB 567 would make these regulations more strict.

Senator Grosfield asked Mr. Homer if he thought current DHES regulations were sufficient. Mr. Homer replied it was the opinion of DHES that the best available control technology was a strict enough standard to apply to all incinerators. He said the lowest achievable emission rate is a "very strict standard". He noted that in practice, the lowest achievable emission rate is only applied to new sources located in an area already in violation of an emissions standard.

Senator Kennedy asked Mr. Homer if technology had advanced enough to remove dioxins and heavy metals from incinerator emissions. Mr. Homer replied no and added that dioxins are a "difficult toxin to control".

Senator Bartlett asked Mr. Homer how the regulations in HB 567 compared to the Boilers and Industrial Furnaces (BIF) regulations adopted by the state. Mr. Homer replied HB 567 was not as specific in its requirements.

Senator Bartlett asked how the analysis of incinerated medical waste would differ from the analysis of incinerated hazardous waste. Mr. Homer replied the analysis for air quality would be similar. He added HB 567 would apply a stricter standard than BIF regulations for emissions control.

Senator Bartlett asked Mr. Homer if dispersion analyses were required under BIF standards. Mr. Homer replied a dispersion model would be required in conjunction with an emissions inventory to help determine the emissions impact. He said a health risk assessment would be required for both BIF regulations and HB 567.

Senator Bartlett asked Representative Foster why HB 567 was limited to commercial medical waste incinerators and not extended to hazardous waste incinerators given the controversy of the issue. Representative Foster replied the problem with medical waste incineration was occurring in his district. He said it was his understanding other pieces of legislation were attempting to resolve the hazardous waste burning issue.

Senator Bartlett noted HB 567 would exclude hospitals. She asked Representative Foster if hospitals incinerate plastic. Representative Foster replied the hospital situation was unique in that there are hospital incinerators in Montana that burn medical waste, including plastic. He noted that these incinerators are on-site, non-commercial and uncommon. Mr. John Flenk from the Montana Medical Association added that many hospitals have abandoned their incinerators because of air quality concerns.

Senator Weeding asked Mr. Flenk to identify the alternatives to burning medical waste. Mr. Flenk replied there exist a few non-burning options including microwaving and autoclaving medical waste.

Senator Weeding asked Mr. Flenk if there had been any discussion given to the idea of recycling this waste. Mr. Flenk replied many states have examined this option but added a certain amount of medical waste produced is non-recyclable.

Referring to the fiscal note, Senator Hockett asked Mr. Homer how DHES would finance administration of HB 567. Mr. Homer replied the medical waste permit fees would be collected in the same manner as is currently done for air quality fees.

Senator Hockett asked Mr. Homer if any additional full time employees (FTEs) would need to be hired to implement HB 567. Mr. Homer replied DHES would need to hire one FTE but added the cost of doing so was not included in the fiscal note.

Senator Hockett asked Mr. Homer how many applicants have expressed a desire to incinerate medical waste in Montana. Mr. Homer replied Western Recovery has already received an air

quality permit but has not yet received a solid waste license. He said that because HB 567 would apply retroactively, a number of companies could be affected. Mr. Homer noted DHES has also received an inquiry from an applicant wishing to build a medical waste incinerator in Deer Lodge.

Senator Kennedy asked Mr. Homer if DHES monitored emissions from hospital medical waste incinerators. Mr. Homer replied no except in response to complaints. He added that the majority of hospital incinerators do not hold permits.

Senator Kennedy asked Mr. Homer if DHES monitored emissions from crematoriums. Mr. Homer replied these facilities are monitored on a case by case basis. He noted SB 380 would apply to crematoriums.

Senator Grosfield asked Mr. Homer if dioxins were emitted during the incineration process. Mr. Homer replied dioxins are formed in a combustion process where chlorine is present. He said incineration of medical waste will form dioxins if chlorinated plastics are burned.

Senator Grosfield asked Mr. Homer if dioxins were being emitted from the incinerator at St. Peter's Hospital in Helena. Mr. Homer replied yes.

Senator Grosfield asked Mr. Homer if it would be both technologically and economically feasible to build a facility in Montana that complied with HB 567. Mr. Homer replied it would be technologically feasible but stated he did not know if it would be economically feasible. He said it would depend on the amount of waste burned and the rate charged by the facility for performing the service.

Senator Grosfield asked Mr. Fleck to define "human pathological waste" as it pertains to HB 567. Mr. Fleck replied "human pathological waste" would include material used for or generated by biopsies or tests on human tissue. He added this waste could be both infectious and non-infectious.

Closing by Sponsor:

Representative Foster stated medical waste incineration was different from hazardous waste incineration. He said the majority of medical waste is packaged in plastic; a substance which forms dioxins, a known carcinogen, upon incineration. He stated he was not sure the FTE was necessary for implementation of HB 567. Representative Foster noted HB 567 passed third reading in the House with more than ninety votes. He said medical waste incinerators will be built at some time in Montana and urged the Committee to pass HB 567 so these facilities would be required to conform to strict emissions standards.

ROLL CALL

SENATE COMMITTEE Natural Resources DATE 3/17

NAME	PRESENT	ABSENT	EXCUSED
Sen. Bianchi	✓		
Sen. Hockett	✓		
Sen. Bartlett	✓		
Sen. Doherty	✓		
Sen. Grosfield	✓		
Sen. Keating			✓
Sen. Kennedy	✓		
Sen. Swift	✓		
Sen. Suvsgood			✓
Sen. McClernan	✓		
Sen. Treat			✓
Sen. Weeding	✓		
Sen. Weldon	✓		

FC8

Attach to each day's minutes

SENATE NATURAL RESOURCES
EXHIBIT NO. 7
DATE 3-17-93
BILL NO. HB 567

NAME Connie Beglet

ADDRESS PO Box 111, Ringling, MT 59642

HOME PHONE 547-2272 WORK PHONE 547-2272

REPRESENTING Last of the Best Coalition

APPEARING ON WHICH PROPOSAL? 567

DO YOU: SUPPORT ✓ OPPOSE _____ AMEND _____

COMMENTS:

In order to assess the impact of medical waste incineration on a community, the businesses therein, property values, and the impact on the health of humans and livestock, baseline health & environmental toxin data need to be collected prior to permitting, and limits established to protect public health. Permittees must be shown to be fiscally and environmentally responsible, to be "good neighbors" in communities they may place at risk. What is acceptable risk? As more infectious and hazardous waste is allowed into Montana, to be transported on Mt. roads & railroads, the probability of a waste or ash spill increases. Our roads often follow pristine waterways, where total cleanup would be impossible. There are other, safer alternatives to burning infectious medical waste. It is more cost effective to be stringent in the permitting process than to clean up a nasty mess later.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F11

in writing, he would take it to the Yellowstone County and Billings City Commissioners.

Vote:

THE BE CONCURRED IN MOTION CARRIED UNANIMOUSLY.

Discussion:

Senate Majority Leader Jergeson entered the room and requested all Finance and Claims Committee members be excused so the Committee could open executive action on two bills. Senator Bianchi called a short recess.

EXECUTIVE ACTION ON HB 567

Discussion:

Senator Grosfield stated he intended to offer a number of amendments to HB 567 and added he did not want to miss any of the day's floor session as he had two bills up for second reading.

Senator Keating stated he agreed with Senator Grosfield and requested the Committee be given "some time" to think about HB 567.

ADJOURNMENT

Adjournment: 2:35 p.m.

SENATOR DON BIANCHI, Chair

LEANNE KURTZ, Secretary

DB/rc

930329NR.SM1

DATE 3/17

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: HB 442, HB 454, HB 567

Name	Representing	Bill No.	Check One: Support	Oppose
Charles Homer	DHES - Air Quality	567		
[illegible]	DSL - HRB	442	X	
Eric Williams	Pegasus Gold	442	X	
Mary A Langley	MONTANA MINING ASSN.	442	X	
Dicki Hyatt	Stillwater Co.	454	X	
[illegible]	City of Laurel	454	X	
[illegible]	City of Red Lodge	454	X	
Jim Flisrand	City of Billings	454	X	
Mike Micone	MMA	442	X	
Mark Wagner	OIT Analyst Leg. Fund	567	X	
John North	DSL	442	X	
Connie Bellet	LAST OF THE BEST COALITION	567	✓	
Elizabeth Brewer	Brewer Ranch	567	✓	
Maura Kusek	Kusek Family. Lennep	567	✓	
Dennis Olson	NPRC	HB 442		✓
"	"	HB 454		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chair Bianchi, on March 30, 1993, at 12:05 p.m.

ROLL CALL

Members Present:
Sen. Don Bianchi, Chair (D)
Sen. Bob Hockett, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Lorents Grosfield (R)
Sen. Tom Keating (R)
Sen. Ed Kennedy (D)
Sen. Bernie Swift (R)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)
Sen. Cecil Weeding (D)
Sen. Jeff Weldon (D)

Members Excused: None.

Members Absent: None.

Staff Present: Paul Sihler, Environmental Quality Council
Leanne Kurtz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: None.
Executive Action: HB 567, HB 280

EXECUTIVE ACTION ON HB 567

Motion:

Senator Grosfield moved HB 567 be amended (Exhibit #1).

Discussion:

Senator Grosfield stated his amendments would do a number of things including defining "best available control technology". He asked Paul Sihler to comment on the problems he experienced with the current definition.

Mr. Sihler stated the Department administrative rules currently defined "best available control technology" in accordance with the definition in the Code of Federal Regulations (CFR). He noted the administrative rules definition was not written in "plain English", so Legislative Council rewrote the definition. Mr. Sihler stated the rewritten definition did not meet with the Department of Health and Environmental Sciences (DHES) approval because, "while they did not completely understand the former definition, they knew how to interpret it". He said Legislative Council instead decided to cite the CFR reference only.

Senator Bianchi asked Mr. Sihler to read the CFR definition for "best available control technology". Mr. Sihler suggested someone from the Air Quality Bureau explain the definition. Ms. Jan Sensibaugh, DHES Air Quality Bureau, stated DHES had adopted the federal definition of "best available control technology". She said that to the layperson, the definition is "unintelligible because it is all encompassing". Ms. Sensibaugh noted, however, that air quality professionals and regulated industry have interpreted the federal definition for years. She concluded "best available control technology" is defined only in the administrative rules and added DHES would prefer that the Committee retain the CFR reference.

Senator Weeding asked Ms. Sensibaugh if the CFR definition of "best available control technology" cited specific levels of tolerable emissions. Ms. Sensibaugh replied no but added that regulated industries are required to use the best available control technology with regard to the control of emission standards for all pollutants.

Senator Weeding asked Ms. Sensibaugh if the Committee would be lowering air quality standards if it adopted the CFR definition. Ms. Sensibaugh replied no and added adoption of the CFR regulation would in no way affect the manner in which DHES currently operates.

Senator Grosfield stated two separate standards currently exist for regulating emissions; the lowest achievable emission rate (LURE) and the best available control technology (BACT). He said the third amendment would require commercial medical waste incinerators to achieve LURE "except when best available control technology is adequate to prevent exceeding the allowable daily intake standards, as determined pursuant to subsection (3), for dioxins, furans and heavy metals". He said this amendment would require commercial medical waste incinerators to use equipment to maintain the lowest achievable emission rate except when the best

available control technology is adequate. Senator Grosfield stated BACT is a less stringent but adequate standard.

Senator McClernan asked Senator Grosfield if LURE was a legally defined concept. Senator Grosfield replied LURE was defined on page 4, line 9 of HB 567. Mr. Sihler stated the LURE definition was similar to the CFR definition for BACT but less confusing.

Senator Weeding asked Senator Grosfield if his amendments would encourage the use of the "cheapest technology" available instead of the best technology available. Senator Grosfield stated that whatever language is adopted, it would still be required to meet the provisions of subsection 3.

Senator Weeding asked if the Montana Air Quality Act contained provisions that specified the number of violations acceptable in the course of one year. Ms. Sensibaugh replied the Montana Air Quality Act allows for 18 exceedences of sulfur dioxide standards within the course of a year.

Senator Bartlett stated the Committee should consider the concern expressed by opponents to SB 338 (Hazardous Waste Siting Act) regarding the safety of daily allowable intake standards. She said she was concerned about the amount of plastic burned during the medical waste incineration process and added she thought the intent of HB 567 was to make standards more stringent. Senator Bartlett stated she was not convinced the standards set for allowable daily intake were targeted accurately. She cited as an example the previous allowable daily intake levels for lead. According to Senator Bartlett, these once "acceptable" levels have been found to be "damaging". She concluded that meeting the standards of subsection 3 does not justify reducing the standard from LURE to BACT.

Senator Grosfield stated page 15, lines 10-14 would authorize the Board to limit the amount and type of plastic incinerated. He said he "was not trying to weaken this below any safety standards". He stated, however, he wanted to be realistic in case a commercial medical waste facility were built.

Senator Hockett asked Senator Grosfield if DHES requested the amendments he had offered. Senator Grosfield replied no but added his amendments dealt with DHES's concerns regarding HB 567. Ms. Sensibaugh stated some of the coordination language between the Air Quality Bureau and Solid and Hazardous Waste Bureau "was creating problems for DHES". She added that Senator Grosfield's amendments "seemed to solve that problem".

Senator Grosfield stated the remainder of the amendments he offered would address the "bad actor" provisions within the bill, Sections 5 and 6. He said subsection b on page 17 would require applicants to describe any civil or administrative complaint filed within 5 years and whether that complaint resulted in penalties. He said the language was vague and did not follow the

concept of "innocent until proven guilty". Senator Grosfield stated his amendments would delete this language plus subsection (3) beginning on page 18, line 15. He said subsection (3) was "counterproductive and unnecessary". He added the amendments would also delete subsection d in its entirety.

Senator Bianchi asked Paul Sihler how he interpreted the provisions in subsection d. Mr. Sihler replied the intent of the "bad actor" provisions and subsection d was to "avoid the shell game where it is unclear who runs the company or who is associated with the company". He said subsection d would provide that if an applicant had disassociated him/herself from a "bad actor", that action would be taken into consideration by DHES.

Senator Kennedy asked Senator Grosfield if he had discussed these amendments with Representative Foster, the bill's sponsor. Senator Grosfield stated he had discussed the amendments with him in concept. He added that Representative Foster said he would not object to Senator Grosfield's amendments.

Senator Bianchi suggested amendments 1 through 3 be separated from amendments 4 through 9. Senator Grosfield replied he would not object.

Senator Bianchi stated amendments 1 though 3 would lessen the air quality standards to which commercial medical waste incinerators would be required to meet. Senator Grosfield replied amendments 1 through 3 would change the technology to be used and would not change the standards to be met.

Vote:

Senator Grosfield motion to accept amendments 1 through 3 to HB 567 CARRIED seven votes to six by roll call vote.

Discussion:

Senator Bianchi asked Ms. Sensibaugh how Senator Grosfield's amendments 4 through 9 would address air quality violations which were paid but never contested. Ms. Sensibaugh replied DHES may issue citations to companies for violation of air quality standards. She said the company may sign and return the citation, but added a company may do so without admitting fault. She said DHES may not levy a fine without going through the entire enforcement process.

Senator Bianchi asked Ms. Sensibaugh if citations would be included under the "bad actor amendments". Ms. Sensibaugh replied yes, as HB 567 was originally introduced.

Senator Bianchi asked Ms. Sensibaugh if citations would be included under Senator Grosfield's amendments 4 through 9. Ms. Sensibaugh replied she did not know.

Senator Bianchi asked Paul Sihler to comment. Mr. Sihler stated he thought citations would be included in the Grosfield amendments but added he was not positive. Mr. Michael Kakuk, Environmental Quality Council, stated the intent of the bad actor language was to give DHES and other interested parties a mechanism to determine companies' previous records. He said without the "bad actor" language, there would be no requirement for the company to provide such information.

Senator Weeding stated Senator Grosfield's amendments would be beneficial to a company like Ross Electric that "has been kicked out of all of Montana's neighbor states but always manages to leave town before the marshall arrives". Senator Grosfield replied Ross Electric does not operate a commercial medical waste incinerator and added HB 567 would not apply to them. Mr. Sihler stated the "bad actor" provisions are specific to Montana laws only.

Vote:

Senator Grosfield's motion to accept amendments 4 through 9 FAILED seven votes to six by roll call vote.

Discussion:

Senator Grosfield stated he had some additional amendments to HB 567 (Exhibit #2) and asked Paul Sihler to explain them. Mr. Sihler stated Senator Grosfield's second set of amendments would coordinate and clarify language in existing law.

Motion/Vote:

Senator Grosfield moved HB 567 be amended (Exhibit #2). MOTION CARRIED UNANIMOUSLY with Senator Doherty absent from voting.

Discussion:

Senator Bartlett stated she had some amendments to HB 567 (Exhibit #3). She stated her amendments would broaden the coverage of HB 567 to include boilers and industrial furnaces plus hazardous waste incinerators.

Motion:

Senator Bartlett moved HB 567 be amended (Exhibit #3).

Discussion:

Senator Bartlett stated her amendments would pertain to any facilities that burn hazardous waste.

Senator Swysgood asked Senator Bartlett if her amendments would also include furnaces that burn fuel for heating purposes. Senator Bartlett replied she did not think so and added HB 567 specifically exempts those kind of uses from the bill.

Senator Grosfield asked Senator Bartlett if her amendments would address the facilities covered in SB 338. Senator Bartlett replied yes.

Senator Grosfield stated a few bills pertaining to hazardous waste provisions had already been heard and acted on by the Senate. He asked Paul Sihler how Senator Bartlett's amendments would "affect the current situation".

Senator Keating stated HB 567 pertained to commercial medical waste incinerators only. Senator Bartlett replied HB 567 pertained to the permitting process, not siting, for commercial medical waste incinerators. She said her amendments would address the standards to be met for hazardous waste incineration and would not address where these incinerators would be located.

Referring to Senator Grosfield's question, Mr. Sihler asked Ms. Sensibaugh to comment. Ms. Sensibaugh stated HB 380 pertained to the permitting of incinerators. She said if Senator Bartlett's amendments were adopted, HB 567 would require DHES to perform additional public notice and hearing, to work with the Solid and Hazardous Waste Bureau on the issuance of permits and to determine "bad actor" status of applicants.

Senator Bartlett asked Ms. Sensibaugh how broadly her amendments would apply, if adopted. Ms. Sensibaugh replied Senator Bartlett's amendments would pertain to all hazardous waste incinerators but would not apply to solid waste incinerators.

Senator McClernan asked Senator Bartlett if her amendments would exempt Newtech from HB 567. Ms. Sensibaugh stated she believed Newtech would not be exempted from Senator Bartlett's amendments. Senator Bartlett stated it was not her intent to include Newtech in her amendments and stated she would offer an amendment on the Senate floor to exclude them if the Committee accepted her amendments and passed the bill. Mr. Sihler stated it would be easy to exempt Newtech from the amendments by inserting a sentence to that effect.

Motion:

Senator McClernan made a substitute motion to exclude Newtech from Senator Bartlett's amendments. MOTION CARRIED UNANIMOUSLY.

Discussion:

Senator Bartlett asked Representative Foster, sponsor of HB 567, to comment on her amendments. Representative Foster, House District 32, stated the amendments offered by Senator Bartlett to HB 567 "came as a surprise". He said he was not opposed to her amendments, but stated he did not think there would be enough votes to "blast SB 338 out of Committee". He added that HB 567 enjoyed great support in the House and stated he feared the same thing that happened to SB 338 could happen to HB 567 if Senator Bartlett's amendments were adopted.

Senator Grosfield stated he agreed with Representative Foster. He said he supported HB 567 but stated he was uncomfortable with "dramatically expanding HB 567 without another public hearing on the matter".

Senator Weeding stated HB 567 might gain additional support if SB 338 were killed since people in areas with hazardous waste facilities "would have no protection against the incinerator's actions". He noted HB 567 does not address siting of these facilities which was a major source of opposition for SB 338.

Senator Weldon stated a conference committee could be convened to work out the differences between the House and Senate on HB 567. He said it would be possible that individuals who opposed SB 338 could support HB 567.

Senator Swift stated Senator Bartlett's amendments were "the wrong thing to do to a sound approach to medical waste incineration".

Senator Bartlett stated the eleventh amendment on her set of amendments should also be inserted on page 15, line 12 of HB 567. She said the amendment was technical, not substantive, in nature and asked it be considered along with the other amendments. Senator Bartlett stated she did not want to endanger HB 567. She said she "was not enamored of" SB 338 because it "missed the point". Senator Bartlett stated HB 567 "speaks to safety standards which should be the main concern". She concluded hazardous waste facilities should be included because of the safety considerations.

Vote:

Senator Bartlett's motion to amend HB 567 CARRIED seven votes to six by roll call vote.

Motion:

Senator Grosfield moved HB 567 BE CONCURRED IN AS AMENDED.

Discussion:

Senator Keating asked if the fees associated with operation permits were such that it would preclude small incinerators from applying for a permit to commercially incinerate medical waste. Mr. Chuck Homer, DHES Air Quality Bureau, replied he was unsure.

Vote:

The BE CONCURRED IN MOTION CARRIED with Senators Keating, Swift, Swysgood and Tveit voting NO.

EXECUTIVE ACTION ON HB 280

Motion:

Senator Grosfield moved HB 280 be amended (Exhibit #4).

Discussion:

Senator Grosfield stated the amendments were primarily technical in nature.

Senator Swysgood stated the amendment pertaining to "family conveyance" would make HB 280 the same as HB 408.

Vote:

MOTION TO AMEND CARRIED UNANIMOUSLY.

Motion:

Senator Weldon moved HB 280 be amended.

Discussion:

Senator Weldon stated his amendments would address two major concerns he had with HB 280; local government involvement and public participation in the process. He submitted to the record a fact sheet entitled "Major Problems with HB 280" (Exhibit #5).

SENATE STANDING COMMITTEE REPORT

March 30, 1993

MR. PRESIDENT:
We, your committee on Natural Resources having had under consideration House Bill No. 567 (third reading copy -- blue), respectfully report that House Bill No. 567 be amended as follows and as so amended be concurred in.

Signed: Don Bianchi
Senator Don Bianchi, Chair

That such amendments read:

1. Title, line 6.
Following: "WASTE"
Insert: "AND COMMERCIAL HAZARDOUS WASTE"

2. Page 1, line 19.
Page 15, line 6.
Page 15, line 15.
Following: "waste"
Insert: "and commercial hazardous waste"

3. Page 1, line 22.
Page 15, line 3.
Following: "waste"
Insert: "and hazardous waste"

4. Page 2, line 3.
Following: "license"
Insert: "or a hazardous waste permit"

5. Page 3.
Following: line 10
Insert:

"(5) (a) "Commercial hazardous waste incinerator" means an incinerator that burns hazardous waste or a boiler or industrial furnace subject to the provisions of 75-10-406.

(b) Commercial hazardous waste incinerator does not include a research and development facility that receives federal or state research funds and that burns hazardous waste primarily to test and evaluate waste treatment remediation technologies."
Renumber: subsequent subsections

M. — Amd. Coord.
Sec. of Senate

Weeding
Senator Carrying Bill

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6. Page 3.
Following: line 18
Insert:
"(9) "Hazardous waste" means a substance defined as hazardous under 75-10-403 or defined as hazardous in department administrative rules adopted pursuant to Title 75, chapter 10, part 4."
Renumber: subsequent subsections

7. Page 3, line 23.
Following: "destruction,"
Insert: "disposal,"

8. Page 4, line 10.
Strike: "(9)(b)"
Insert: "(11)(b)"

9. Page 11, line 5.
Strike: "When"
Insert: "If"

10. Page 13, line 22.
Following: "75-10-221"
Insert: "or a permit is required pursuant to 75-10-406"

11. Page 13, line 25.
Following: "7-1-4128"
Insert: "(2)"

12. Page 14, line 13.
Following: "75-10-221"
Insert: "or a permit pursuant to 75-10-406"
Following: "license"
Insert: "or permit"
Following: "."
Insert: "The decision to issue, deny, alter, or revise a permit pursuant to 75-2-211 must be made within 30 days from when the department issues a license pursuant to 75-10-221 or a permit pursuant to 75-10-406."

13. Page 14, line 25.
Following: "waste"
Insert: "and hazardous waste"

14. Page 15, line 12.
Page 15, line 23.
Following: "stream"
Insert: "and hazardous waste stream"

15. Page 16, line 6.
Page 17, line 5.
Page 17, line 10.
Page 18, line 14.
Following: "waste"
Insert: "or commercial hazardous waste"

-END-

ROLL CALL VOTE

SENATE COMMITTEE NATURAL RESOURCES BILL NO. HB 567

DATE 3-30-93 TIME 12:35 A.M. (P.M.)

NAME	YES	NO
CHAIR BIANCHI		✓
VICE-CHAIR HOCKETT	✓	
SEN. BARTLETT		✓
SEN. DOHERTY		✓
SEN. GROSFIELD	✓	
SEN. KEATING	✓	
SEN. KENNEDY		✓
SEN. MCCLERNAN	✓	
SEN. SWIFT	✓	
SEN. SNYSGOOD	✓	
SEN. TVEIT	✓	
SEN. WEEDING		✓
SEN. WELDON		✓

LEANNE KURTZ
SECRETARY

SENATOR BIANCHI
CHAIR

MOTION: SENATOR GROSFIELD MOVED AMENDMENTS 1 THROUGH 3 BE ADOPTED (EXHIBIT #1). MOTION CARRIED SEVEN VOTES TO SIX.

ROLL CALL VOTE

SENATE COMMITTEE NATURAL RESOURCES BILL NO. HB 567

DATE 3-30-93 TIME 12:45 A.M. (P.M.)

NAME	YES	NO
CHAIR BIANCHI		✓
VICE-CHAIR HOCKETT		✓
SEN. BARTLETT		✓
SEN. DOHERTY		✓
SEN. GROSFIELD	✓	
SEN. KEATING	✓	
SEN. KENNEDY		✓
SEN. MCCLERNAN	✓	
SEN. SWIFT	✓	
SEN. SWYSGOOD	✓	
SEN. TVEIT	✓	
SEN. WEEDING		✓
SEN. WELDON		✓

LEANNE KURTZ
SECRETARY

SENATOR BIANCHI
CHAIR

MOTION: SENATOR GROSFIELD MOVED AMENDMENTS 4 THROUGH 9 BE ADOPTED. MOTION FAILED SIX VOTES TO SEVEN.

ROLL CALL VOTE

SENATE COMMITTEE NATURAL RESOURCES BILL NO. HB 567

DATE 3-30-93 TIME 1:20 A.M. P.M.

NAME	YES	NO
CHAIR BIANCHI	✓	
VICE-CHAIR HOCKETT	✓	
SEN. BARTLETT	✓	
SEN. DOHERTY	✓	
SEN. GROSFIELD		✓
SEN. KEATING		✓
SEN. KENNEDY	✓	
SEN. McCLERNAN		✓
SEN. SWIFT		✓
SEN. SWYSGOOD		✓
SEN. TVEIT		✓
SEN. WEEDING	✓	
SEN. WELDON	✓	

LEANNE KURTZ
SECRETARY

SENATOR BIANCHI
CHAIR

MOTION: SENATOR BARTLETT MOVED HB 567 BE AMENDED (EXHIBIT #3). MOTION CARRIED SEVEN VOTES TO SIX.

Amendments to House Bill No. 567
Third Reading Copy

Requested by Senator Grosfield
For the Committee on Natural Resources

Prepared by Paul Sihler
March 30, 1993

1. Page 3.
Following: line 8
Insert:
- "(4) "Best available control technology" has the meaning defined in 40 CFR, part 51, 166(b)(12)."
Renumber: subsequent subsections

2. Page 4, line 10.
Strike: "(9)(b)"
Insert: "(10)(b)"

3. Page 15, line 16.
Following: "rate"
Insert: ", except when best available control technology is adequate to prevent exceeding the allowable daily intake standards, as determined pursuant to subsection (3), for dioxins, furans, and heavy metals"

4. Page 17, lines 19 and 20.
Following: "law" on line 19.
Strike: "and whether the complaint"
Insert: "which violation"

5. Page 18, lines 5 through 9.
Strike: subsection (3) in its entirety

6. Page 18, line 15.
Following: "(2)"
Insert: "of this section"
Following: "if"
Insert: "the applicant refuses to provide the disclosure statement required in [section 5] or if"

7. Page 19, line 12.
Following: ";"
Insert: "and"

8. Page 19, line 15.
Strike: "; AND"

9. Page 19, lines 16 through 18.
Strike: subsection (d) in its entirety

SENATE NATURAL RESOURCES
EXHIBIT NO. 1
DATE 3/30/93
BILL NO. HB 567

Amendments to House Bill No. 567
Third Reading Copy

Requested by Senator Grosfield
For the Committee on Natural Resources

Prepared by Paul Sihler
March 25, 1993

1. Page 3, line 23.
Following: "destruction,"
Insert: "disposal,"

2. Page 11, line 5.
Strike: "When"
Insert: "If"

3. Page 11, lines 20 and 21.
Strike: "if" on line 20 through "75-2-215" on line 21
Insert: "when a license is not required pursuant to 75-10-221"

4. Page 13, line 25.
Following: "7-1-4128"
Insert: "(2)"

5. Page 14, line 13.
Following: "."
Insert: "The decision to issue, deny, alter, or revise a permit pursuant to 75-2-211 must be made within 30 days from when the department issues a license pursuant to 75-10-221."

SENATE NATURAL RESOURCES
EXHIBIT NO. 2
DATE 3/30/93
BILL NO. HB 567

SENATE NATURAL RESOURCES
EXHIBIT NO. 3
DATE 3-30-93
BILL NO. HB 567

Amendments to House Bill No. 567
Third Reading Copy

Requested by Senator Bartlett
For the Committee on Natural Resources

Prepared by Paul Sihler
March 29, 1993

1. Title, line 6.
Following: "WASTE"
Insert: "AND COMMERCIAL HAZARDOUS WASTE"

2. Page 1, line 19.
Page 15, line 6.
Page 15, line 15.
Following: "waste"
Insert: "and commercial hazardous waste"

3. Page 1, line 22.
Page 15, line 3.
Following: "waste"
Insert: "and hazardous waste"

4. Page 2, line 3.
Following: "license"
Insert: "or a hazardous waste permit"

5. Page 3.
Following: line 10
Insert:

"(5) "Commercial hazardous waste incinerator" means an incinerator that burns hazardous waste or a boiler or industrial furnace subject to the provisions of 75-10-406."
Renumber: subsequent subsections

6. Page 3.
Following: line 18
Insert:

"(9) "Hazardous waste" means a substance defined as hazardous under 75-10-403 or defined as hazardous in department administrative rules adopted pursuant to Title 75, chapter 10, part 4."
Renumber: subsequent subsections

7. Page 11, line 5.
Strike: "When"
Insert: "If"

8. Page 13, line 22.
Following: "75-10-221"
Insert: "or a permit is required pursuant to 75-10-406"

9. Page 14, line 13.
Following: "75-10-221"
Insert: "or a permit pursuant to 75-10-406"
Following: "license"
Insert: "or permit"
Following: "."
Insert: "The decision to issue, deny, alter, or revise a permit pursuant to 75-2-211 must be made within 30 days from when the department issues a license pursuant to 75-10-221 or a permit pursuant to 75-10-406."

10. Page 14, line 25.
Following: "waste"
Insert: "and hazardous waste"

11. Page 15, line 23.
Page 15, line 12.
Following: "stream"
Insert: "and hazardous waste stream"

12. Page 16, line 6.
Page 17, line 5.
Page 17, line 10.
Page 18, line 14.
Following: "waste"
Insert: "or commercial hazardous waste"

DATE 3/5/93

SENATE COMMITTEE ON NATURAL RESOURCES

BILLS BEING HEARD TODAY: HB 102, HB 164, HB 380

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
GARY FRITZ	DNRC	HB102	✓	
Larry Dolan	DNRC	HB102	✓	
Tim Baker	DHES	HB380	✓	
Charles Homan	DHES	HB380	✓	
Chuck Evilsizer	PSC	HB 164	✓	
Jan Sensibaugh	DHES	HB 380	✓	
Glen Rigg	Committee for the Health of Children	HB380		
Bill LAWRENCE	Sure-Way Systems MT INC	HB380		✓
David Ross	Mt. Audubon Legislative	HB 380	✓	
Tom Daubert	Ash Grove Cement Co	HB380	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

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